

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

ED BUTOWSKY, in his Individual And	§	
Professional Capacities	§	
	§	
v.	§	CIVIL ACTION NO. 4:18CV442
	§	JUDGE MAZZANT
DAVID FOLKENFLIK, ET AL.	§	

**NOTICE OF IMPENDING DISMISSAL**

The Complaint was filed in this case on June 21, 2018. It appears from the records currently before the Court that Defendants have not yet been served. Moreover, the Court's records indicate that more than 60 days have passed from the filing of the Complaint and/or Notice of Removal in this Court. Therefore, this notice serves to inform Plaintiff that this action shall be dismissed without prejudice as to Defendants after 90 days, in accordance with Federal Rule of Civil Procedure 4(m), as amended effective December 1, 2015.

To avoid dismissal pursuant to Rule 4(m), if more than 90 days are necessary for service of process, Plaintiff must execute a verified petition regarding service of process, advising the Court:

- A. That the case should not be dismissed as to the unserved Defendants;
- B. That the failure to obtain service upon Defendants is not due to the fault of the Party seeking to avoid dismissal;
- C. The reasons why the case against the unserved Defendants should not be dismissed, set forth in detail and demonstrating good cause; and
- D. That service will be effected on Defendants within thirty (30) days of the date of the petition.

This petition must be filed with the Court on or before **September 4, 2018**. If the Court is satisfied that the case should not be dismissed as to the unserved Defendants, Plaintiff will be

so notified. If dismissal of the case as to the unserved Defendants is satisfactory to the Plaintiff, no action is required. By executing the petition regarding service of process, Plaintiff need not appear in support thereof until and/or unless so notified by the Court. Failure to respond will result in dismissal of this case for failure to prosecute.

**IT IS SO ORDERED.**

**SIGNED this 22nd day of August, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE